

1 GLYNN & FINLEY, LLP
2 CLEMENT L. GLYNN, Bar No. 57117
3 ADAM FRIEDENBERG, Bar No. 205778
4 One Walnut Creek Center
5 100 Pringle Avenue, Suite 500
6 Walnut Creek, CA 94596
7 Telephone: (925) 210-2800
8 Facsimile: (925) 945-1975
9 Email: cglynn@glynnfinley.com
10 afriedenberg@glynnfinley.com

11 Attorneys for Defendant and Counter-Plaintiff
12 ConocoPhillips Company

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 HOUTAN PETROLEUM, INC.

16 Plaintiff,

17 vs.

18 CONOCOPHILLIPS COMPANY, a Texas
19 corporation and DOES 1 through 10,
20 Inclusive

21 Defendants.

) Case No. 3:07-cv-5627

) **CONOCOPHILLIPS COMPANY'S**
) **PROPOSED VOIR DIRE**

) Trial Date: February 11, 2008
) Time: 10:00 a.m.
) Courtroom: 1
) Before: Hon. Samuel Conti

22 Defendant and Counter-Plaintiff ConocoPhillips Company submits the following voir dire
23 for consideration by the Court.¹

24 **GENERAL BACKGROUND**

25 1. Where do you live?

26 2. Where are you from originally?

27 a) [If not native] What brought you here?

28 ¹ For the reasons set forth in ConocoPhillips' motion to strike Plaintiff's jury demand (Docket No. 48), ConocoPhillips contends that Plaintiff's claims for relief must be tried to the Court, not a jury. As the Court has not yet ruled on ConocoPhillips' motion, ConocoPhillips submits this proposed voir dire in the event any portion of the case is tried to a jury.

1 3. Could you describe your education—that is, what schools you graduated from,
2 what degrees or certificates that you have and what you studies?

3 4. Do you belong, or contribute time or money to any volunteer or non-profit
4 organizations?

5 5. What newspapers or magazines do you read on a regular basis?

6 **OCCUPATIONAL BACKGROUND**

7 6. What do you do for a living and for whom do you work?

8 a) What exactly do you do on a daily basis?

9 b) What do you like most about your job? Why is that?

10 c) What you like least about your job? Why is that?

11 7. What jobs have you held over the past ten years?

12 8. What does your spouse do for a living and for whom does he or she work?

13 9. What do, or did, your parents do for a living and for whom do, or did, they work?

14 10. How about any other adults living in your household—what do they do for a
15 living and for whom do they work?

16 11. Have you ever owned a business? (If yes) What was the business? Do you still
17 own the business?

18 12. Do you have any family members in the legal field? Who? What do they do?

19 13. Have you served in a jury before? When? What court? Describe the matter.
20 Who were the parties? What was the result?

21 **BUSINESS/CONTRACTS BACKGROUND**

22 14. Have you ever been a party to a contract of any sort? Explain.

23 15. If there is a confusing term in a contract, do you believe there can be more than
24 one right way to understand the term?

25 16. Have you ever entered into a business contract? Please describe.

26 17. Do you believe it is wrong for someone to refuse to comply with the terms of a
27 contract if they later come to believe the terms are unfair?

28 18. Have you ever run a small business? Explain.

 19. Have you or a close friend or family member ever purchased and/or run a
 franchise?

 a. What is the name of the franchise? Where? What product? Was it
 profitable? Are you (or your family member) still involved in the
 business?
 [If no] why not?

1 b. Did you ever have any disputes with franchisor?
2 [If yes] Explain. How did the dispute resolve?

3 20. Have any of you ever heard of someone having had a bad experience buying, or
4 owning, a franchise?

5 21. Does anyone here have a strong opinion—either positive or negative--about the
6 basic concept of franchising

7 22. Have you ever been in a dispute with a business partner other than routine
8 disagreement?

9 a. Please explain.

10 b. How was it resolved?

11 23. Have you ever been sued or sued someone else?

12 a. What was the general nature of the dispute?

13 b. Did the case settle or go to trial?

14 24. Have any of you, or anyone close to you, ever been involved in a contract dispute
15 of any kind?

16 a. If so, could you explain?

17 b. Who, or what, do you blame for the dispute?

18 c. Was there ever a lawsuit over the dispute?

19 d. Was the dispute resolved to your (or their) satisfaction? Why or why not?

20 25. Have any of you, or anyone close to you, even been involved in a dispute
21 involving property value or appraisals?

22 a. If so, could you explain?

23 b. Was there a lawsuit over the dispute?

24 c. Was the dispute resolved to your (or their) satisfaction? Why or why not?

25 26. Do you believe that in a dispute over property values, or appraisals, that the value
26 proposed by the seller or the buyer is more likely to be accurate? Why/why not?

27 27. Do you believe that if a seller and a buyer both have property appraisals prepared
28 that one of the appraisals is likely to be more reliable than the other?

29 28. There will be a substantial amount of evidence in this case concerning the
30 language of contracts and contract law. Is there anyone here who thinks they
31 would have a difficult time understanding, or giving their full attention, to the
32 contract details that will be examined in this case?

- 1 29. Do you, or any close friends or family, have any training, education or experience
2 in the real estate industry? If so, is that training, education or experience in
 residential or commercial real estate?

3 **OIL COMPANY BIAS**

- 4 30. Have you or any of your close family members ever worked for an oil company?

5 a. Explain.

- 6 31. Do you believe oil companies are overcharging for gas?

- 7 32. Do you believe oil companies are unfairly profiting from their control of oil?

- 8 33. Do you have any opinions about why gas has become more expensive?

- 9 34. Do any of the opinions you hold about oil companies prevent you from fairly
10 judging the facts presented in litigation involving an oil company?

- 11 35. Is there anyone here who thinks that just because this lawsuit is between a small
12 company and a bigger company that the smaller company was probably taken
13 advantage of?

- 14 36. Is there anyone here who thinks that the plaintiff being a smaller company is at a
15 significant disadvantage in this case?

- 16 37. Is there anyone here who would prefer seeing the smaller company in this case
17 prevail simply as a matter of principle?

18 **KNOWLEDGE OF COMPANIES**

- 19 38. Have you read or heard anything about ConocoPhillips Company?

- 20 39. Have any of you ever done business, owned stock in or been employed by
21 ConocoPhillips Company or any other oil company?

22 a) Could you please explain?

- 23 40. Do any of you know someone who has worked for ConocoPhillips Company?

24 a) Could you please explain?

- 25 41. Do any of you know someone, including yourselves, who has ever had a bad
26 experience with ConocoPhillips Company?

27 a) Could you please explain?

28 **GENERAL ISSUES**

42. Some of you might believe that the mere fact the plaintiff has filed this lawsuit
 against the defendant means that the defendant probably did something wrong?
 Do any of you feel this way? Why is that?

1 43. Some of you also might believe that the plaintiff deserves to get some money for
2 all of the trouble it took to file the lawsuit? Do any of you feel this way? Why is
that?

3 44. Is there anyone on this jury who without hearing any evidence would have a hard
4 time ruling for a large corporation and against a smaller business as a matter of
principle? Why is that?

5 45. In a court of law, a corporation is to be treated just like an individual person with
6 the same rights and respect.

7 a) Does anyone think that they might have a problem with that? Why is that?

8 b) Does anyone think that it is unfair to treat a corporation the same as an
individual? Why is that?

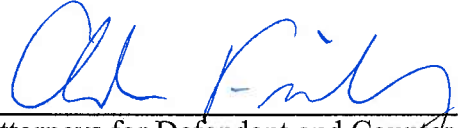
9 46. Do you understand that the Plaintiff has the burden of proving all elements of its
10 claims?

11 47. Is there any reason why you feel you could not be fair to both sides in this case.

12 Dated: February 1, 2008

13 GLYNN & FINLEY, LLP
14 CLEMENT L. GLYNN
15 ADAM FRIEDENBERG
16 One Walnut Creek Center
17 100 Pringle Avenue, Suite 500
18 Walnut Creek, CA 94596

19 By

20 
21 Attorneys for Defendant and Counter-
22 Plaintiff ConocoPhillips Company